

1974

CHARTERS FOR COUNTIES AND CITIES

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Ballot Title

CHARTERS FOR COUNTIES AND CITIES. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Amends Article XI, section 3(a), of State Constitution to provide that a city or county may adopt, amend, revise, or repeal a charter by a majority of its electors voting, and without approval of the Legislature. Makes charter, or changes thereto, effective upon filing with the Secretary of State. Charter provisions are the law of the state having the force and effect of legislative enactments. County charters adopted pursuant to this section supersede any existing charter and all inconsistent laws. Financial impact: None on local government and minor savings to state government.

FINAL VOTE CAST BY LEGISLATURE ON ACA 81 (PROPOSITION 2):

ASSEMBLY—Ayes, 62
Noes, 0

SENATE—Ayes, 35
Noes, 0

Analysis by Legislative Analyst

PROPOSAL:

Under California's Constitution, counties and cities are the basic units of local government. They may be governed under general statute laws enacted by the Legislature, or they may be governed by "charters" which are adopted by their voters and approved by the Legislature. Amendments to these local charters must also be adopted by the voters and approved by the Legislature. Counties and cities operating under charters have a greater degree of independence and power than the "general law" counties and cities. Eleven counties and 75 cities presently are governed by charters.

This proposition removes the requirement that a county or city charter be approved by the Legislature. This means that it will become effective as soon as it is

approved by the local voters and is filed with the Secretary of State. The proposition applies this same process to charter amendments.

Charters and charter amendments presently have the legal effect of statutes passed by the Legislature and signed by the Governor. This proposition continues to give charters and charter amendments that effect and requires that they be published as part of the official laws of the state.

FISCAL EFFECT:

This proposition will have no effect on local government costs or expenditures. The proposition will result in minor savings in the cost of state government by doing away with legislative review and adoption of charters and charter amendments.

Argument in Favor of Proposition 2

VOTE "YES" ON PROPOSITION 2.

WE URGE A "YES" VOTE ON PROPOSITION 2 which was approved by both the Assembly and the Senate without a dissenting vote. It will eliminate the need for the Legislature to adopt a concurrent resolution approving charters or charter amendments which have already been approved by the voters of a city. Legislative approval is a unique requirement found only in the California Constitution of 1879 and in ninety-five years the Legislature never has rejected either a charter or charter amendment. In the light of the experience of the Legislature and existing practice, we believe that little will be lost and much will be gained by eliminating this requirement. It will help streamline the legislative process and save a substantial amount of printing and expense.

A "YES" VOTE ON PROPOSITION 2 will make the decision of the voters effective just as quickly as the approved charter or charter amendments are filed with the Secretary of State.

The proposed constitutional amendment also provides that charters and charter amendments will be published in the official state statutes just as concurrent resolutions approved by the Legislature are now published. Thus, there will be a central depository and official notice so that all of the people of the state will have notice of and can obtain copies of charters and charter amendments. The courts have held that charters are state laws and have the force and effect of legislative enactments and the Constitution will preserve this rule.

PROPOSITION 2 is endorsed and supported by both the League of California Cities and the County Supervisors Association of California.

LEO T. McCARTHY

Assemblyman

Speaker, California State Assembly

JOHN J. MILLER

Assemblyman, 17th District

JAMES R. MILLS

Senator

President pro Tempore, California State Senate

No argument against Proposition 2 was submitted

See Page 70 for the Text of Proposition 2

TEXT OF PROPOSITION 2

This amendment proposed by Assembly Constitutional Amendment 81 (Statutes of 1974, Resolution Chapter 81) expressly amends an existing section of the Constitution; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO ARTICLE XI

SEC. 3. (a) For its own government, a county or city may adopt

a charter by majority vote of its electors voting on the question. The charter is effective ~~if approved without change by resolution of the Legislature, by rollcall vote entered in the journal, a majority of membership of each house concurring when filed with the Secretary of State. A charter may be amended, revised, or repealed in the same manner. A charter, amendment, revision, or repeal thereof shall be published in the official state statutes. County charters adopted pursuant to this section shall supersede any existing charter and all laws inconsistent therewith. A charter may be amended, revised, or repealed in the same manner. The provisions of a charter are the law of the State and have the force and effect of legislative enactments.~~

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TEXT OF PROPOSITION 6

This amendment proposed by Senate Constitutional Amendment 26 (Statutes of 1974, Resolution Chapter 77) expressly amends an existing article of the Constitution; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENTS TO ARTICLE XIII

SEC. 1d. The homeowners' property tax exemption shall apply to each dwelling, as defined by the Legislature, occupied by an owner thereof on the lien date as his principal place of residence. This exemption shall not apply to any dwelling if an owner thereof has been granted an exemption for the assessment year pursuant to Section 1 $\frac{1}{4}$, 1 $\frac{1}{4}$ a or 1 $\frac{1}{4}$ b of this article, nor shall it apply to any property which the Legislature, by general laws, excludes from the exemption by reason of the fact that the tax on such property is paid either in whole or in part, either directly or indirectly, by the state or any political subdivision thereof. Only one homeowners' property tax exemption shall apply to each dwelling.

There is exempt from taxation the amount of ~~\$750~~ *\$1,750* of the assessed value of the dwelling and this shall be known as the homeowners' property tax exemption. The amount of the exemption may be increased or decreased by the Legislature, a majority of all of the members elected to each of the two houses voting in favor thereof, but such exemption shall not be reduced below ~~\$750~~ *\$1,750* of such assessed value.

The Legislature shall provide by general laws for subventions to counties, cities and counties, cities, and districts in this state in an amount equal to the amount of revenue lost by each such county, city and county, city, and district by reason of the homeowners' property tax exemption. No increase by the Legislature in the homeowners' property tax exemption above the amount of ~~\$750~~ *\$1,750* shall be effective for any fiscal year, unless the Legislature increases the rate of state taxes in an amount sufficient to provide subventions, and shall provide subventions, during such fiscal year to each county, city and county, city and district in this state a sum equal to the amount of revenue lost by each by reason of such increase.

If the Legislature increases the homeowners' property tax exemption, it shall provide increases in benefits to qualified renters, as defined by law, comparable to the average increase in benefits to homeowners as calculated by the Legislature.

Any revenues subvented by the state to replace revenues lost by reason of the homeowners' property tax exemption may be used by a county, city and county, city, or district for state purposes or for county, city and county, city, or district purposes, as the case may be.

Nothing in this Constitution shall constitute a limitation on the taxation of property, or on the bonding capacity of the state or of any city, city and county, county, or district, when based on a percentage of assessed or market value of property; provided, however, that the Legislature may establish maximum property tax rates and bonding limitations for units of local government.

For the 1968/1969 fiscal year only, the Legislature may effect the exemption by payment of \$70 to taxpayers in the manner specified in Senate Bill No. 8 of the 1968 First Extraordinary Session of the Legislature, the provisions of which are hereby ratified.

[Second Resolved Clause]

And be it further resolved, That if Assembly Constitutional Amendment No. 32 of the 1973-74 Regular Session of the Legislature is approved by the voters in the general election to be held on November 5, 1974, that Section 1d of Article XIII, as amended in the first resolved clause of this senate constitutional amendment shall not become operative;

[Third Resolved Clause]

And be it further resolved, That if Assembly Constitutional Amendment No. 32 of the 1973-74 Regular Session of the Legislature is approved by the voters in the general election to be held on November 5, 1974, that the Constitution of the state be further amended by adding subdivision (k) to Section 3 of Article XIII, to read as follows:

(k) \$7,000 of the full value of a dwelling, as defined by the Legislature, when occupied by an owner as his principal residence, unless the dwelling is receiving another real property exemption. The Legislature may increase this exemption and may deny it if the owner received State or local aid to pay taxes either in whole or in part, and either directly or indirectly, on the dwelling.

No increase in this exemption above the amount of \$7,000 shall be effective for any fiscal year unless the Legislature increases the rate of State taxes in an amount sufficient to provide the subventions required by Section 25.

If the Legislature increases the homeowners' property tax exemption, it shall provide increases in benefits to qualified renters, as defined by law, comparable to the average increase in benefits to homeowners, as calculated by the Legislature.

TEXT OF PROPOSITION 7—continued from page 27

for, such proceedings shall be had as are now or may be hereafter prescribed by law, not inconsistent herewith.

A grand jury shall be drawn and summoned at least once a year in each county.

Fifteenth—That Section 9 of Article I be repealed.

SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact. Indictments found, or information laid, for publications in

newspapers shall be tried in the county where such newspapers have their publication office; or in the county where the party alleged to be libeled resided at the time of the alleged publication; unless the place of trial shall be changed for good cause.

Sixteenth—That Section 9 of Article I be added, to read:

SEC. 9. A bill of attainder, ex post facto law, or law impairing the obligation of contracts may not be passed.

Seventeenth—That Section 10 of Article I be repealed.

SEC. 10. The people shall have the right to freely assemble together to consult for the common good; to instruct their representatives; and to petition the Legislature for redress of grievances.

Eighteenth—That Section 10 of Article I be added, to read:

SEC. 10. Witnesses may not be unreasonably detained. A person